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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Charlaine Helen Begay,

10 Petitioner,

11 v.

12 United States of America,

13 Respondent.
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No. CV-21-08124-PCT-DLR (MHB)

No. CR-18-08293-PCT-DLR

ORDER

15 Before the Court is Petitioner's pro se Motion Under 28 U.S.C. § 2255 to Vacate, Set
16 Aside, or Correct Sentence by a Person in Federal Custody (Doc. 1) and United States
17 Magistrate Judge Michelle H. Burns' Report and Recommendation ("R&R") (Doc. 14).
18 The R&R recommends that the Court deny and dismiss the motion with prejudice. The
19 Magistrate Judge advised the parties that they had fourteen days to file objections to the
20 R&R and that failure to file timely objections could be considered a waiver of the right to
21 obtain review of the R&R. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th
22 Cir. 2003). Neither party filed objections, which relieves the Court of its obligation to
23 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149
24 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is
25 not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must
26 determine de novo any part of the magistrate judge's disposition that has been properly
27 objected to."). The Court has nonetheless reviewed the R&R and finds that it is well-taken.
28 The Court will accept the R&R in its entirety. *See* 28 U.S.C. § 636(b)(1) (stating that the

1 district court “may accept, reject, or modify, in whole or in part, the findings or
2 recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge
3 may accept, reject, or modify the recommended disposition; receive further evidence; or
4 return the matter to the magistrate judge with instructions.”).

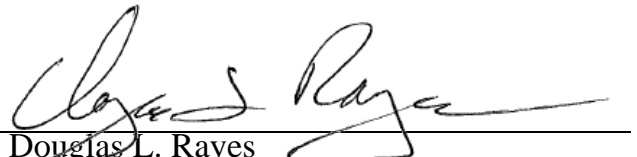
5 **IT IS ORDERED** that the R&R (Doc. 14) is **ACCEPTED**.

6 **IT IS FURTHER ORDERED** Petitioner’s motion (Doc. 1) is **DENIED** and
7 **DISMISSED WITH PREJUDICE**.

8 **IT IS FURTHER ORDERED** a Certificate of Appealability and leave to proceed
9 in forma pauperis on appeal are **DENIED** because the dismissal of the 2255 motion is
10 justified by a plain procedural bar and jurists of reason would not find the procedural ruling
11 debatable.

12 Dated this 2nd day of December, 2021.

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Douglas L. Rayes
United States District Judge